

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
LESLYN ROMAN,

Plaintiff,

-against-

ANTHONY B. LEAR, NATIONAL DCP, LLC, and
RYDER TRUCK RENTAL, INC.

Defendants.
-----X

Civil Action number:

NOTICE OF REMOVAL

TO: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that Defendants, ANTHONY B. LEAR and NATIONAL DCP, LLC, remove this matter from the Supreme Court of the State of New York, County of Bronx, where it is now pending to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
June 30, 2022

Yours etc.,

GALLO VITUCCI KLAR LLP


By: Jeremy B. Cantor, Esq. (9420)

GALLO VITUCCI KLAR LLP

Attorneys for Defendants

Anthony B. Lear and National DCP, LLC

90 Broad Street, 12th Floor

New York, New York 10004

Phone: (212) 683-7100

Fax No.: (212) 683-5555

Email: jcantor@gvlaw.com

TO:

LAW OFFICES OF MARC S. ALBERT

Attorneys for Plaintiff

Leslyn Roman

32-72 Steinway Street

Astoria, New York 11103

(718) 472-5080

Email: malbert@msainjurylaw.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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LESLYN ROMAN,

Plaintiff,

-against-

ANTHONY B. LEAR, NATIONAL DCP, LLC, and
RYDER TRUCK RENTAL, INC.

Defendants.
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Civil Action number:

PETITION FOR REMOVAL

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Jeremy B. Cantor respectfully shows as follows:

1. That the undersigned are counsel for the defendants, ANTHONY B. LEAR and NATIONAL DCP, LLC, hereby remove the civil action entitled Leslyn Roman v. Anthony B. Lear, et al., which is currently pending in the Supreme Court of the State of New York, County of Bronx under Index Number 32523/2020E, to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441 and 1447(b).

2. This action was commenced by the filing of a Summons and Complaint on October 26, 2020. Issue was joined by the service of a Verified Answer on behalf of Defendants on January 12, 2021. See copies of the Summons and Complaint and Answers are respectively annexed hereto as **Exhibit A** and **Exhibit B**.

3. On May 11, 2021, a Stipulation of Discontinuance Without Prejudice as to Ryder Truck Rental, Inc., only, was signed by all parties and filed. See copy as **Exhibit C**.

4. That the cause of action as set forth in the Complaint seeks money damages for wrongful death and personal injuries.

5. In the Complaint, Plaintiff seeks to recover damages for injuries allegedly sustained in a motor vehicle accident that occurred on May 5, 2020 on Tuckahoe Road, City of Yonkers, County of Westchester, State of New York (See **Exhibit A** at ¶¶ 33, 36, 37)

6. Plaintiff is a resident of the State of New York with a primary residence in Bronx County. (See **Exhibit A** at ¶1)

7. Defendant, Anthony B. Lear, is a resident of the State of New Jersey with a primary residence in Camden County. (See **Exhibit A** at ¶2)

8. Defendant, National DCP, LLC, ("National DCP") is a Delaware limited liability company organized and existing by virtue of the laws of the State of Delaware, with a primary place of business and nerve center located in Deluth, Georgia.

9. The Summons and Complaint did not contain a statement of damages, pursuant to N.Y. C.P.L.R. § 3017. Accordingly, the thirty-day deadline did not begin upon the filing of the Complaint. See 28 U.S.C. §1446(b)(3).

10. On June 8, 2022, Your Affirmant had a discussion with the plaintiff's counsel where counsel made a settlement demand of \$3,000,000 to resolve this case. The demand was memorialized and acknowledged by counsel in an email exchange which is annexed hereto as **Exhibit C**.

11. That this action may be removed to this Court by the defendants pursuant to 28 U.S.C. § 1441(c) since Plaintiffs' action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.

12. As the citizenship amongst the defendants and the plaintiffs establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, Defendants, Anthony B. Lear and National DCP, LLC, respectfully remove this

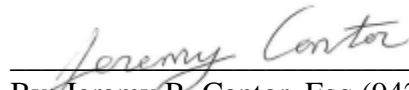
action from the Supreme Court of the State of New York County of Bronx to the United States District Court for the Southern District of New York.

WHEREFORE, Defendants respectfully request that the action now pending against them in the Supreme Court of the State of New York, County of Bronx be removed therefrom to this Court.

Dated: New York, New York
June 30, 2022

Yours etc.,

GALLO VITUCCI KLAR LLP


By: Jeremy B. Cantor, Esq.(9420)
GALLO VITUCCI KLAR LLP
Attorneys for Defendants
Anthony B. Lear and National DCP, LLC
90 Broad Street, 12th Floor
New York, New York 10004
Phone: (212) 683-7100
Fax No.: (212) 683-5555
Email: jcantor@gvlaw.com

TO:

LAW OFFICES OF MARC S. ALBERT
Attorneys for Plaintiff
Leslyn Roman
32-72 Steinway Street
Astoria, New York 11103
(718) 472-5080
Email: malbert@msainjurylaw.com